



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Monto H. KUMAGAI, et al.

Appl. No. 09-359.300

Filed: July 21, 1999

For: METHOD OF DETERMINING THE
PRESENCE OF A TRAIT IN A PLANT
BY TRANSFECTING A NUCLEIC
ACID SEQUENCE OF A NON-PLANT
DONOR INTO A HOST PLANT IN
A POSITIVE ORIENTATION

RECEIVED
MAR 08 2002
TECH CENTER 1600-2900

Art Unit: 1636

Examiner: Leffers, Jr., G.

Atty. Docket: 00801.0137.US07

**Notice of Appeal From the Examiner to the Board
of Patent Appeals and Interferences - Large Entity**

BOX AF

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated August 30, 2002 that resulted in Applicant having claims that have been twice or finally rejected.

The fee for filing a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (37 C.F.R. § 1.17(b)), along with any necessary extension fees (37 C.F.R. § 1.17(a)), is included in our Check No. 5280. In the event that extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Respectfully submitted,

Albert P. Halluin (Reg. No. 25,227)
Viola T. Kung (Reg. No. 41,131)

Date: February 28, 2002

HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue
Box 34
Menlo Park, CA 94025
(650) 463-8109